

FIGURE 12 TO PART 223—ESCAPE OPENING & COVER DIMENSIONS FOR 71-INCH TED

FIGURE 13 TO PART 223—SINGLE GRID HARD TED ESCAPE OPENING

FIGURE 14a TO PART 223—MAXIMUM ANGLE OF DEFLECTOR BARS WITH STRAIGHT BARS ATTACHED TO THE BOTTOM OF THE FRAME

FIGURE 14b TO PART 223—MAXIMUM ANGLE OF DEFLECTOR BARS WITH BENT BARS ATTACHED TO THE BOTTOM OF THE FRAME

FIGURE 15 TO PART 223—WEEDLESS TED BRACE BAR DESCRIPTION

FIGURE 16 TO PART 223—ESCAPE OPENING AND FLAP DIMENSIONS FOR THE DOUBLE COVER FLAP TED

FIGURE 17 TO PART 223—BOONE WEDGE CUT ESCAPE OPENING

FIGURES 18a, 18b AND 18c TO PART 223—LARGE FRAME TED ESCAPE OPENING; MINIMUM DIMENSIONS USING ALL-BAR CUTS (TRIANGULAR CUTS); LARGE FRAME TED ESCAPE OPENING; MINIMUM DIMENSIONS USING ALL-BAR CUTS AND LEADING EDGE CUT; LARGE FRAME TED ESCAPE OPENING; MINIMUM DIMENSIONS USING ALL-POINTS SIDE CUTS (RECTANGULAR CUT)

FIGURES 19a AND 19b TO PART 223—CHAUVIN SHRIMP DEFLECTOR INSTALLATION DETAILS

AUTHORITY: 16 U.S.C. 1531 1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 5503(d) for § 223.206(d)(9).

SOURCE: 43 FR 32809, July 28, 1978, unless otherwise noted. Redesignated at 64 FR 14068, Mar. 23, 1999.

### Subpart A—General Provisions

#### § 223.101 Purpose and scope.

(a) The regulations contained in this part identify the species under the jurisdiction of the Secretary of Commerce that have been determined to be threatened species pursuant to section 4(a) of the Act, and provide for the conservation of such species by establishing rules and procedures to govern activities involving the species.

(b) The regulations contained in this part apply only to the threatened species enumerated in § 223.102.

(c) The provisions of this part are in addition to, and not in lieu of, other regulations of parts 222 through 226 of this chapter which prescribe additional restrictions or conditions governing threatened species.

[64 FR 14068, Mar. 23, 1999, as amended at 79 FR 20806, Apr. 14, 2014]

#### § 223.102 Enumeration of threatened marine and anadromous species.

(a) The table below identifies the species under the jurisdiction of the Secretary of Commerce that have been determined to be threatened pursuant to section 4(a) of the Act, species treated as threatened because they are sufficiently similar in appearance to threatened species, and experimental populations of threatened species.

(b) The columns entitled “Common name,” “Scientific name,” and “Description of listed entity” define the species within the meaning of the Act. In the “Common name” column, experimental populations are identified as “XE” for essential populations or “XN” for nonessential populations. Species listed based on similarity of appearance are identified as “S/A.” Although a column for “Common name” is included, common names cannot be relied upon for identification of any specimen, because they may vary greatly in local usage. The “Scientific name” column provides the most recently accepted scientific name, relying to the extent practicable on the *International Code of Zoological Nomenclature*. In cases in which confusion might arise, a synonym(s) will be provided in parentheses. The “Description of listed entity” column identifies whether the listed entity comprises the entire species, a subspecies, or a distinct population segment (DPS) and provides a description for any DPSs. Unless otherwise indicated in the “Description of listed entity” column, all individual members of the listed entity and their progeny retain their listing status wherever found, including individuals in captivity. Information regarding the general range of the species, subspecies, or DPS may be found in the FEDERAL REGISTER notice(s) cited in the “Citation(s) for listing determination(s)” column.

(c) The “Citation(s) for listing determination(s)” column provides reference to the FEDERAL REGISTER notice(s) determining the species’ status under the Act. The abbreviation “(SPR)” (significant portion of its range) after a citation indicates that the species was listed based on its status in a significant portion of its range. If a citation does not include the

§ 223.102

50 CFR Ch. II (10–1–19 Edition)

“(SPR)” notation, it means that the species was listed based on its status throughout its entire range. For “(SPR)” listings, a geographical description of the SPR may be found in the referenced FEDERAL REGISTER notice. The “(SPR)” notation serves an informational purpose only and does not imply any limitation on the application of the prohibitions or restrictions of the Act or implementing rules.

(d) The “Critical habitat” and “ESA rules” columns provide cross-references to other sections in this part and part 226. The term “NA” appearing in the “Critical habitat” column indi-

cates that there are no critical habitat designations for that species; similarly, the term “NA” appearing in the “ESA rules” column indicates that there are no ESA rules for that species. However, all other applicable rules in parts 222 through 226 and part 402 still apply to that species. Also, there may be other rules in this title that relate to such wildlife. The “ESA rules” column is not intended to list all Federal, state, tribal, or local governmental regulations that may apply to the species.

(e) The threatened species under the jurisdiction of the Secretary of Commerce are:

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
<b>Marine Mammals</b>					
Dolphin, Hector's.	<i>Cephalorhynchus hectori hectori</i> .	Entire subspecies .....	82 FR 43701, Sept. 19, 2017.	NA	NA
Seal, bearded (Beringia DPS).	<i>Erignathus barbatus nauticus</i> .	Bearded seals originating from breeding areas in the Arctic Ocean and adjacent seas in the Pacific Ocean between 145° E. Long. (Novosibirskiye) and 130° W. Long., and east of 157° E. Long. or east of the Kamchatka Peninsula.	77 FR 76740, Dec. 28, 2012.	NA	NA.
Seal, bearded (Okhotsk DPS).	<i>Erignathus barbatus nauticus</i> .	Bearded seals originating from breeding areas in the Pacific Ocean west of 157° E. Long. or west of the Kamchatka Peninsula.	77 FR 76740, Dec. 28, 2012.	NA	NA.
Seal, Guadalupe fur.	<i>Arctocephalus townsendi</i> .	Entire species .....	50 FR 51252, Dec. 16, 1985.	NA	223.201.
Seal, ringed (Arctic subspecies).	<i>Phoca (=Pusa) hispida hispida</i> .	Entire subspecies .....	77 FR 76706, Dec. 28, 2012.	NA	NA.
Seal, ringed (Baltic subspecies).	<i>Phoca (=Pusa) hispida botnica</i> .	Entire subspecies .....	77 FR 76706, Dec. 28, 2012.	NA	NA.
Seal, ringed (Okhotsk subspecies).	<i>Phoca (=Pusa) hispida ochotensis</i> .	Entire subspecies .....	77 FR 76706, Dec. 28, 2012.	NA	NA.
Seal, spotted (Southern DPS).	<i>Phoca largha</i> .....	Spotted seals originating from breeding areas in the Pacific Ocean south of 43° N. Lat.	75 FR 65239, Oct. 22, 2010.	NA	223.212.
Whale, humpback (Mexico DPS).	<i>Megaptera novaeangliae</i> .	Humpback whales that breed or winter in the area of mainland Mexico and the Revillagigedos Islands, transit Baja California, or feed in the North Pacific Ocean, primarily off California-Oregon, northern Washington-southern British Columbia, northern and western Gulf of Alaska and East Bering Sea.	81 FR 62260, Sept. 8, 2016.	NA	223.213.

National Marine Fisheries Service/NOAA, Commerce

§ 223.102

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
<b>Reptiles<sup>2</sup></b>					
Sea turtle, green (Central North Pacific DPS).	<i>Chelonia mydas</i>	Green sea turtles originating from the Central North Pacific Ocean, bounded by the following coordinates: 41° N., 169° E. in the northwest; 41° N., 143° W. in the northeast; 9° N., 125° W. in the southeast; and 9° N., 175° W. in the southwest.	81 FR 20058, Apr. 6, 2016.	NA	223.205, 223.206, 223.207.
Sea turtle, green (East Indian-West Pacific DPS).	<i>Chelonia mydas</i>	Green sea turtles originating from the Eastern Indian and Western Pacific Oceans, bounded by the following lines and coordinates: 41° N. Lat. in the north, 41° N., 146° E. in the northeast; 4.5° N., 129° E. in the southeast; along the southern coast of the island of New Guinea; along the western coast of Australia (west of 142° E. Long.); 40° S. Lat. in the south; and 84° E. Long. in the east.	81 FR 20058, Apr. 6, 2016.	NA	223.205, 223.206, 223.207.
Sea turtle, green (East Pacific DPS).	<i>Chelonia mydas</i>	Green sea turtles originating from the East Pacific Ocean, bounded by the following lines and coordinates: 41° N., 143° W. in the northwest; 41° N. Lat. in the north; along the western coasts of the Americas; 40° S. Lat. in the south; and 40° S., 96° W. in the southwest.	81 FR 20058, Apr. 6, 2016.	NA	223.205, 223.206, 223.207.
Sea turtle, green (North Atlantic DPS).	<i>Chelonia mydas</i>	Green sea turtles originating from the North Atlantic Ocean, bounded by the following lines and coordinates: 48° N. Lat. in the north, along the western coasts of Europe and Africa (west of 5.5° W. Long.); north of 19° N. Lat. in the east; bounded by 19° N., 65.1° W. to 14° N., 65.1° W. then 14° N., 77° W. in the south and west; and along the eastern coasts of the Americas (north of 7.5° N., 77° W.).	81 FR 20058, Apr. 6, 2016.	226.208	223.205, 223.206, 223.207.
Sea turtle, green (North Indian DPS).	<i>Chelonia mydas</i>	Green sea turtles originating from the North Indian Ocean, bounded by: Africa and Asia in the west and north; 84° E. Long. in the east; and the equator in the south.	81 FR 20058, Apr. 6, 2016.	NA	223.205, 223.206, 223.207.

§ 223.102

50 CFR Ch. II (10–1–19 Edition)

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Sea turtle, green (South Atlantic DPS).	<i>Chelonia mydas</i>	Green sea turtles originating from the South Atlantic Ocean, bounded by the following lines and coordinates: Along the northern and eastern coasts of South America (east of 7.5° N., 77° W.); 14° N., 77° W. to 14° N., 65.1° W. to 19° N., 65.1° W. in the north and west; 19° N. Lat. in the northeast; 40° S., 19° E. in the southeast; and 40° S. Lat. in the south.	81 FR 20058, Apr. 6, 2016.	NA	223.205, 223.206, 223.207.
Sea turtle, green (Southwest Indian DPS).	<i>Chelonia mydas</i>	Green sea turtles originating from the Southwest Indian Ocean, bounded by the following lines: The equator to the north; 84° E. Long. to the east; 40° S. Lat. to the south; and 19° E. Long. (and along the eastern coast of Africa) in the west.	81 FR 20058, Apr. 6, 2016.	NA	223.205, 223.206, 223.207.
Sea turtle, green (Southwest Pacific DPS).	<i>Chelonia mydas</i>	Green sea turtles originating from the Southwest Pacific Ocean, bounded by the following lines and coordinates: Along the southern coast of the island of New Guinea and the Torres Strait (east of 142° E Long.); 13° S., 171° E. in the northeast; 40° S., 176° E. in the southeast; and 40° S., 142° E. in the southwest.	81 FR 20058, Apr. 6, 2016.	NA	223.205, 223.206, 223.207.
Sea turtle, loggerhead (Northwest Atlantic Ocean DPS).	<i>Caretta caretta</i> ...	Loggerhead sea turtles originating from the Northwest Atlantic Ocean north of the equator, south of 60° N. Lat., and west of 40° W. Long.	76 FR 58868, Sept. 22, 2011.	17.95(c), 226.223	223.205, 223.206, 223.207.
Sea turtle, loggerhead (South Atlantic Ocean DPS).	<i>Caretta caretta</i> ...	Loggerhead sea turtles originating from the South Atlantic Ocean south of the equator, north of 60° S. Lat., west of 20° E. Long., and east of 67° W. Long.	76 FR 58868, Sept. 22, 2011.	NA	223.205, 223.206, 223.207.
Sea turtle, loggerhead (Southeast Indo-Pacific Ocean DPS).	<i>Caretta caretta</i> ...	Loggerhead sea turtles originating from the Southeast Indian Ocean south of the equator, north of 60° S. Lat., and east of 80° E. Long.; South Pacific Ocean south of the equator, north of 60° S. Lat., and west of 141° E. Long.	76 FR 58868, Sept. 22, 2011.	NA	223.205, 223.206, 223.207.
Sea turtle, loggerhead (Southwest Indian Ocean DPS).	<i>Caretta caretta</i> ...	Loggerhead sea turtles originating from the Southwest Indian Ocean south of the equator, north of 60° S. Lat., east of 20° E. Long., and west of 80° E. Long.	76 FR 58868, Sept. 22, 2011.	NA	223.205, 223.206, 223.207.
Sea turtle, olive ridley.	<i>Lepidochelys olivacea</i> .	Entire species, except when listed as endangered under § 224.101.	43 FR 32800, July 28, 1978.	NA	223.205, 223.206, 223.207.
<b>Fishes</b>					
Cardinalfish, Banggai.	<i>Pterapogon kauderni</i> .	Entire species .....	81 FR 3023, Jan. 20, 2016.	NA	NA.

National Marine Fisheries Service/NOAA, Commerce

§ 223.102

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Coelacanth, African (Tanzanian DPS).	<i>Latimeria chalumnae</i> .	African coelacanth population inhabiting deep waters off the coast of Tanzania.	81 FR 17398, Mar. 29, 2016.	NA	NA.
Eulachon (Southern DPS).	<i>Thaleichthys pacificus</i> .	Eulachon originating from the Skeena River in British Columbia south to and including the Mad River in northern California.	75 FR 13012, Mar. 18, 2010.	226.222	NA.
Grouper, island	<i>Mycteroperca fusca</i> .	Entire species .....	81 FR 72545, Oct. 20, 2016.	NA	NA.
Grouper, Nassau.	<i>Epinephelus striatus</i> .	Entire species .....	81 FR 42268, June 29, 2016.	NA	NA.
Guitarfish, blackchin.	<i>Rhinobatos cemiculus</i> .	Entire species .....	82 FR 6309, Jan. 19, 2017.	NA	NA.
Guitarfish, common.	<i>Rhinobatos rhinobatos</i> .	Entire species .....	82 FR 6309, Jan. 19, 2017.	NA	NA.
Ray, giant manta.	<i>Manta birostris</i> ...	Entire species .....	83 FR 2916, Jan. 22, 2018.	NA	NA
Rockfish, yelloweye (Puget Sound/Georgia Basin DPS).	<i>Sebastes ruberrimus</i> .	Yelloweye rockfish residing within the Puget Sound/ Georgia Basin, inclusive of the Queen Charlotte Channel to Malcom Island, in a straight line between the western shores of Numas and Malcom Islands—N 50 50'46", W 127 5'55" and N 50 36'49", W 127 10'17" The Western Boundary of the U.S. side in the Strait of Juan de Fuca is N 48 7'16", W123 17'15" in a straight line to the Canadian side at N 48 24'40", 123 17'38".	75 FR 22276, Apr. 28, 2010.	226.224	NA.
Salmon, Chinook (California Coastal ESU).	<i>Oncorhynchus tshawytscha</i> .	Naturally spawned Chinook salmon originating from rivers and streams south of the Klamath River to and including the Russian River.	70 FR 37160, June 28, 2005.	226.211	223.203.
Salmon, Chinook (Central Valley spring-run ESU).	<i>Oncorhynchus tshawytscha</i> .	Naturally spawned spring-run Chinook salmon originating from the Sacramento River and its tributaries. Also, spring-run Chinook salmon from the Feather River Hatchery Spring-run Chinook Program. This DPS does not include Chinook salmon that are designated as part of an experimental population.	70 FR 37160, June 28, 2005.	226.211	223.203.

§ 223.102

50 CFR Ch. II (10–1–19 Edition)

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Salmon, Chinook (Central Valley spring-run ESU–XN).	<i>Oncorhynchus tshawytscha</i> .	Central Valley spring-run Chinook salmon only when, and at such times as, they are found in the San Joaquin River from Friant Dam downstream to its confluence with the Merced River, delineated by a line between decimal latitude and longitude coordinates: 37.348930° N., 120.975174° W. and 37.349099° N., 120.974749° W., as well as all sloughs, channels, floodways, and waterways connected with the San Joaquin River that allow for Central Valley spring-run Chinook salmon access, but excluding the Merced River. Also, Central Valley spring-run Chinook salmon when found in portions of the Kings River that connect with the San Joaquin River during high water years.	78 FR 79622, Dec. 31, 2013.	NA	223.301.

National Marine Fisheries Service/NOAA, Commerce

§ 223.102

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Salmon, Chinook (Lower Columbia River ESU).	<i>Oncorhynchus tshawytscha</i> .	Naturally spawned Chinook salmon originating from the Columbia River and its tributaries downstream of a transitional point east of the Hood and White Salmon Rivers, and any such fish originating from the Willamette River and its tributaries below Willamette Falls. Not included in this DPS are: (1) spring-run Chinook salmon originating from the Clackamas River; (2) fall-run Chinook salmon originating from Upper Columbia River bright hatchery stocks, that spawn in the mainstem Columbia River below Bonneville Dam, and in other tributaries upstream from the Sandy River to the Hood and White Salmon Rivers; (3) spring-run Chinook salmon originating from the Round Butte Hatchery (Deschutes River, Oregon) and spawning in the Hood River; (4) spring-run Chinook salmon originating from the Carson National Fish Hatchery and spawning in the Wind River; and (5) naturally spawning Chinook salmon originating from the Rogue River Fall Chinook Program. This DPS does include Chinook salmon from 15 artificial propagation programs: the Big Creek Tule Chinook Program; Astoria High School Salmon-Trout Enhancement Program (STEP) Tule Chinook Program; Warrenton High School STEP Tule Chinook Program; Cowlitz Tule Chinook Program; North Fork Toutle Tule Chinook Program; Kalama Tule Chinook Program; Washougal River Tule Chinook Program; Spring Creek National Fish Hatchery (NFH) Tule Chinook Program; Cowlitz Spring Chinook Program in the Upper Cowlitz River and the Cispus River; Friends of the Cowlitz Spring Chinook Program; Kalama River Spring Chinook Program; Lewis River Spring Chinook Program; Fish First Spring Chinook Program; and the Sandy River Hatchery (Oregon Department of Fish and Wildlife Stock #11).	70 FR 37160, June 28, 2005.	226.212	223.203.

§ 223.102

50 CFR Ch. II (10–1–19 Edition)

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Salmon, Chinook (Puget Sound ESU).	<i>Oncorhynchus tshawytscha</i> .	Naturally spawned Chinook salmon originating from rivers flowing into Puget Sound from the Elwha River (inclusive) eastward, including rivers in Hood Canal, South Sound, North Sound and the Strait of Georgia. Also, Chinook salmon from 26 artificial propagation programs: the Kendall Creek Hatchery Program; Marblemount Hatchery Program (spring subyearlings and summer-run); Harvey Creek Hatchery Program (summer-run and fall-run); Whitehorse Springs Pond Program; Wallace River Hatchery Program (yearlings and subyearlings); Tulaip Bay Program; Issaquah Hatchery Program; Soos Creek Hatchery Program; Icy Creek Hatchery Program; Keta Creek Hatchery Program; White River Hatchery Program; White Acclimation Pond Program; Hupp Springs Hatchery Program; Voights Creek Hatchery Program; Diru Creek Program; Clear Creek Program; Kalama Creek Program; George Adams Hatchery Program; Rick's Pond Hatchery Program; Hamma Hamma Hatchery Program; Dungeness/Hurd Creek Hatchery Program; Elwha Channel Hatchery Program; and the Skookum Creek Hatchery Spring-run Program.	70 FR 37160, June 28, 2005.	226.212	223.203.
Salmon, Chinook (Snake River fall-run ESU).	<i>Oncorhynchus tshawytscha</i> .	Naturally spawned fall-run Chinook salmon originating from the mainstem Snake River below Hells Canyon Dam and from the Tucannon River, Grande Ronde River, Imnaha River, Salmon River, and Clearwater River subbasins. Also, fall-run Chinook salmon from four artificial propagation programs: the Lyons Ferry Hatchery Program; Fall Chinook Acclimation Ponds Program; Nez Perce Tribal Hatchery Program; and the Oxbow Hatchery Program.	70 FR 37160, June 28, 2005.	226.205	223.203.

National Marine Fisheries Service/NOAA, Commerce

§ 223.102

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Salmon, Chinook (Snake River spring/summer-run ESU).	<i>Oncorhynchus tshawytscha</i> .	Naturally spawned spring/summer-run Chinook salmon originating from the mainstem Snake River and the Tucannon River, Grande Ronde River, Imnaha River, and Salmon River subbasins. Also, spring/summer-run Chinook salmon from 11 artificial propagation programs: the Tucannon River Program; Lostine River Program; Catherine Creek Program; Lookingglass Hatchery Program; Upper Grande Ronde Program; Imnaha River Program; Big Sheep Creek Program; McCall Hatchery Program; Johnson Creek Artificial Propagation Enhancement Program; Pahsimeroi Hatchery Program; and the Sawtooth Hatchery Program.	70 FR 37160, June 28, 2005.	226.205	223.203.
Salmon, Chinook (Upper Willamette River ESU).	<i>Oncorhynchus tshawytscha</i> .	Naturally spawned spring-run Chinook salmon originating from the Clackamas River and from the Willamette River and its tributaries above Willamette Falls. Also, spring-run Chinook salmon from six artificial propagation programs: the McKenzie River Hatchery Program (Oregon Department of Fish and Wildlife (ODFW) Stock #23); Marion Forks Hatchery/North Fork Santiam River Program (ODFW Stock #21); South Santiam Hatchery Program (ODFW Stock #24) in the South Fork Santiam River and Mollala River; Willamette Hatchery Program (ODFW Stock #22); and the Clackamas Hatchery Program (ODFW Stock #19).	70 FR 37160, June 28, 2005.	226.212	223.203.
Salmon, Chinook (Upper Columbia River spring-run ESU-XN).	<i>Oncorhynchus tshawytscha</i> .	Upper Columbia River spring-run Chinook salmon only when, and at such times, as they are found in the mainstem or tributaries of the Okanogan River from the Canada-United States border to the confluence of the Okanogan River with the Columbia River, Washington.	79 FR 40004, July 11, 2014.	NA	223.301.
Salmon, chum (Columbia River ESU).	<i>Oncorhynchus keta</i> .	Naturally spawned chum salmon originating from the Columbia River and its tributaries in Washington and Oregon. Also, chum salmon from two artificial propagation programs: the Grays River Program and the Washougal River Hatchery/Duncan Creek Program.	70 FR 37160, June 28, 2005.	226.212	223.203.

§ 223.102

50 CFR Ch. II (10–1–19 Edition)

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Salmon, chum (Hood Canal summer-run ESU).	<i>Oncorhynchus keta</i> .	Naturally spawned summer-run chum salmon originating from Hood Canal and its tributaries as well as from Olympic Peninsula rivers between Hood Canal and Dungeness Bay (inclusive). Also, summer-run chum salmon from four artificial propagation programs: the Hamma Hamma Fish Hatchery Program; Lilliwaup Creek Fish Hatchery Program; Tahuya River Program; and the Jimmycomelately Creek Fish Hatchery Program.	70 FR 37160, June 28, 2005.	226.212	223.203.
Salmon, coho (Lower Columbia River ESU).	<i>Oncorhynchus kisutch</i> .	Naturally spawned coho salmon originating from the Columbia River and its tributaries downstream from the Big White Salmon and Hood Rivers (inclusive) and any such fish originating from the Willamette River and its tributaries below Willamette Falls. Also, coho salmon from 21 artificial propagation programs: the Grays River Program; Peterson Coho Project; Big Creek Hatchery Program (Oregon Department of Fish and Wildlife (ODFW) Stock #13); Astoria High School Salmon-Trout Enhancement Program (STEP) Coho Program; Warrenton High School STEP Coho Program; Cowlitz Type-N Coho Program in the Upper and Lower Cowlitz Rivers; Cowlitz Game and Anglers Coho Program; Friends of the Cowlitz Coho Program; North Fork Toutle River Hatchery Program; Kalama River Type-N Coho Program; Kalama River Type-S Coho Program; Lewis River Type-N Coho Program; Lewis River Type-S Coho Program; Fish First Wild Coho Program; Fish First Type-N Coho Program; Syverson Project Type-N Coho Program; Washougal River Type-N Coho Program; Eagle Creek National Fish Hatchery Program; Sandy Hatchery Program (ODFW Stock #11); and the Bonneville/Cascade/Oxbow Complex (ODFW Stock #14) Hatchery Program.	70 FR 37160, June 28, 2005.	226.212	223.203.

National Marine Fisheries Service/NOAA, Commerce

§ 223.102

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Salmon, coho (Oregon Coast ESU).	<i>Oncorhynchus kisutch.</i>	Naturally spawned coho salmon originating from coastal rivers south of the Columbia River and north of Cape Blanco. Also, coho salmon from one artificial propagation program: the Cow Creek Hatchery Program (Oregon Department of Fish and Wildlife Stock #18).	76 FR 35755, June 20, 2011.	226.212	223.203.
Salmon, coho (Southern Oregon/ Northern California Coast ESU).	<i>Oncorhynchus kisutch.</i>	Naturally spawned coho salmon originating from coastal streams and rivers between Cape Blanco, Oregon, and Punta Gorda, California. Also, coho salmon from three artificial propagation programs: the Cole Rivers Hatchery Program (ODFW Stock #52); Trinity River Hatchery Program; and the Iron Gate Hatchery Program.	70 FR 37160, June 28, 2005.	226.210	223.203.
Salmon, sockeye (Ozette Lake ESU).	<i>Oncorhynchus nerka.</i>	Naturally spawned sockeye salmon originating from the Ozette River and Ozette Lake and its tributaries. Also, sockeye salmon from two artificial propagation programs: the Umbrella Creek Hatchery Program; and the Big River Hatchery Program.	70 FR 37160, June 28, 2005.	226.212	223.203.
Shark, narrownose smoothhound.	<i>Mustelus schmitti</i>	Entire species .....	82 FR 21722, May 10, 2017.	NA	NA
Shark, oceanic whitetip.	<i>Carcharhinus longimanus.</i>	Entire species .....	83 FR 4153, Jan. 30, 2018.	NA	NA
Shark, scalloped hammerhead (Central & Southwest Atlantic DPS).	<i>Sphyrna lewini</i> ....	Scalloped hammerhead sharks originating from the Central & Southwest Atlantic Ocean, including all waters of the Caribbean Sea, the Bahamas' EEZ off the coast of Florida, the U.S. EEZ off Puerto Rico and the U.S. Virgin Islands, and Cuba's EEZ, and further delineated by the following boundary lines: bounded to the north by 28° N. lat., to the east by 30° W. long., and to the south by 36° S. lat.	79 FR 38214, July 3, 2014.	NA	NA.
Shark, scalloped hammerhead (Indo-West Pacific DPS).	<i>Sphyrna lewini</i> ...	Scalloped hammerhead sharks originating from the Indo-West Pacific Ocean, delineated by the following boundary lines: bounded to the south by 36° S. lat., to the west by 20° E. long., and to the north by 40° N. lat. In the east, the boundary line extends from 175° E. long. due south to 10° N. lat., then due east along 10° N. lat. to 150° W. long., then due south to 4° S. lat., then due east along 4° S. lat. to 130° W. long. and then extends due south along 130° W. long.	79 FR 38214, July 3, 2014.	NA	NA.

§ 223.102

50 CFR Ch. II (10–1–19 Edition)

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Steelhead (California Central Valley DPS).	<i>Oncorhynchus mykiss</i> .	Naturally spawned anadromous <i>O. mykiss</i> (steelhead) originating below natural and man-made impassable barriers from the Sacramento and San Joaquin Rivers and their tributaries; excludes such fish originating from San Francisco and San Pablo Bays and their tributaries. This DPS does include steelhead from two artificial propagation programs: the Coleman National Fish Hatchery Program, and the Feather River Fish Hatchery Program.	71 FR 834, Jan. 5, 2006..	226.211	223.203.
Steelhead (Central California Coast DPS).	<i>Oncorhynchus mykiss</i> .	Naturally spawned anadromous <i>O. mykiss</i> (steelhead) originating below natural and man-made impassable barriers from the Russian River to and including Aptos Creek, and all drainages of San Francisco and San Pablo Bays eastward to Chipps Island at the confluence of the Sacramento and San Joaquin Rivers. Also, steelhead from two artificial propagation programs: the Don Clausen Fish Hatchery Program, and the Kingfisher Flat Hatchery Program (Monterey Bay Salmon and Trout Project).	71 FR 834, Jan. 5, 2006..	226.211	223.203.
Steelhead (Lower Columbia River DPS).	<i>Oncorhynchus mykiss</i> .	Naturally spawned anadromous <i>O. mykiss</i> (steelhead) originating below natural and man-made impassable barriers from rivers between the Cowlitz and Wind Rivers (inclusive) and the Willamette and Hood Rivers (inclusive); excludes such fish originating from the upper Willamette River basin above Willamette Falls. This DPS does include steelhead from seven artificial propagation programs: the Cowlitz Trout Hatchery Late Winter-run Program (Lower Cowlitz); Kalama River Wild Winter-run and Summer-run Programs; Clackamas Hatchery Late Winter-run Program (Oregon Department of Fish and Wildlife (ODFW) Stock #122); Sandy Hatchery Late Winter-run Program (ODFW Stock #11); Hood River Winter-run Program (ODFW Stock #50); and the Lewis River Wild Late-run Winter Steelhead Program.	71 FR 834, Jan. 5, 2006..	226.212	223.203.

National Marine Fisheries Service/NOAA, Commerce

§ 223.102

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Steelhead (Middle Columbia River DPS).	<i>Oncorhynchus mykiss</i> .	Naturally spawned anadromous <i>O. mykiss</i> (steelhead) originating below natural and man-made impassable barriers from the Columbia River and its tributaries upstream of the Wind and Hood Rivers (exclusive) to and including the Yakima River; excludes such fish originating from the Snake River basin. This DPS does include steelhead from seven artificial propagation programs: the Touchet River Endemic Program; Yakima River Kelt Reconditioning Program (in Satus Creek, Toppenish Creek, Naches River, and Upper Yakima River); Umatilla River Program (Oregon Department of Fish and Wildlife (ODFW) Stock #91); and the Deschutes River Program (ODFW Stock #66). This DPS does not include steelhead that are designated as part of an experimental population.	71 FR 834, Jan. 5, 2006..	226.212	223.203.
Steelhead (Middle Columbia River DPS—XN).	<i>Oncorhynchus mykiss</i> .	Middle Columbia River steelhead only when, and at such times as, they are found above Round Butte Dam.	78 FR 2893, Jan. 15, 2013.	NA	223.301.
Steelhead (Northern California DPS).	<i>Oncorhynchus mykiss</i> .	Naturally spawned anadromous <i>O. mykiss</i> (steelhead) originating below natural and man-made impassable barriers in California coastal river basins from Redwood Creek to and including the Gualala River.	71 FR 834, Jan. 5, 2006..	226.211	223.203.
Steelhead (Puget Sound DPS).	<i>Oncorhynchus mykiss</i> .	Naturally spawned anadromous <i>O. mykiss</i> (steelhead) originating below natural and man-made impassable barriers from rivers flowing into Puget Sound from the Elwha River (inclusive) eastward, including rivers in Hood Canal, South Sound, North Sound and the Strait of Georgia. Also, steelhead from six artificial propagation programs: the Green River Natural Program; White River Winter Steelhead Supplementation Program; Hood Canal Steelhead Supplementation Off-station Projects in the Dewatto, Skokomish, and Duckabush Rivers; and the Lower Elwha Fish Hatchery Wild Steelhead Recovery Program.	72 FR 26722, May 11, 2007.	226.212	223.203.

§ 223.102

50 CFR Ch. II (10–1–19 Edition)

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Steelhead (Snake River Basin DPS).	<i>Oncorhynchus mykiss</i> .	Naturally spawned anadromous <i>O. mykiss</i> (steelhead) originating below natural and man-made impassable barriers from the Snake River basin. Also, steelhead from six artificial propagation programs: the Tucannon River Program; Dworshak National Fish Hatchery Program; Lolo Creek Program; North Fork Clearwater Program; East Fork Salmon River Program; and the Little Sheep Creek/Imnaha River Hatchery Program (Oregon Department of Fish and Wildlife Stock #29).	71 FR 834, Jan. 5, 2006..	226.212	223.203.
Steelhead (South-Central California Coast DPS).	<i>Oncorhynchus mykiss</i> .	Naturally spawned anadromous <i>O. mykiss</i> (steelhead) originating below natural and man-made impassable barriers from the Pajaro River to (but not including) the Santa Maria River.	71 FR 834, Jan. 5, 2006..	226.211	223.203.
Steelhead (Upper Columbia River DPS).	<i>Oncorhynchus mykiss</i> .	Naturally spawned anadromous <i>O. mykiss</i> (steelhead) originating below natural and man-made impassable barriers from the Columbia River and its tributaries upstream of the Yakima River to the U.S.-Canada border. Also, steelhead from six artificial propagation programs: the Wenatchee River Program; Wells Hatchery Program (in the Methow and Okanogan Rivers); Winthrop National Fish Hatchery Program; Omak Creek Program; and the Ringold Hatchery Program.	71 FR 834, Jan. 5, 2006..	226.212	223.203.
Steelhead (Upper Willamette River DPS).	<i>Oncorhynchus mykiss</i> .	Naturally spawned anadromous winter-run <i>O. mykiss</i> (steelhead) originating below natural and manmade impassable barriers from the Willamette River and its tributaries upstream of Willamette Falls to and including the Calapooya River.	71 FR 834, Jan. 5, 2006..	226.212	223.203.
Sturgeon, Atlantic (Atlantic subspecies; Gulf of Maine DPS).	<i>Acipenser oxyrinchus oxyrinchus</i> .	Anadromous Atlantic sturgeon originating from watersheds from the Maine/Canadian border and extending southward to include all associated watersheds draining into the Gulf of Maine as far south as Chatham, Massachusetts.	77 FR 5880, Feb. 6, 2012.	NA	223.211.
Sturgeon, Atlantic (Gulf subspecies).	<i>Acipenser oxyrinchus desotoi</i> .	Entire subspecies .....	56 FR 49653, Sept. 30, 1991.	226.214	17.44(v).

National Marine Fisheries Service/NOAA, Commerce

§ 223.102

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Sturgeon, green (Southern DPS).	<i>Acipenser medirostris</i> .	Green sturgeon originating from the Sacramento River basin and from coastal rivers south of the Eel River (exclusive).	71 FR 17757, Apr. 7, 2006; 71 FR 19241, Apr. 13, 2006.	226.219	223.210.
<b>Molluscs</b>					
Nautilus, chambered.	<i>Nautilus pompilius</i> .	Entire species .....	83 FR 48976, Sept. 28, 2018.	NA	NA
<b>Corals</b>					
Coral, [no common name].	<i>Acropora globiceps</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014..	NA	NA.
Coral, [no common name].	<i>Acropora jacquelineae</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Acropora lokani</i> ..	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Acropora pharaonis</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Acropora retusa</i>	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Acropora rudis</i> ...	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Acropora speciosa</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Acropora tenella</i>	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Anacropora spinosa</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Euphyllia paradivisa</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Isopora crateriformis</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Montipora australiensis</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Pavona diffluens</i>	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Porites napopora</i>	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, [no common name].	<i>Seriatopora aculeata</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, boulder star.	<i>Orbicella franksi</i>	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA
Coral, elkhorn	<i>Acropora palmata</i>	Entire species .....	79 FR 53852, Sept. 10, 2014.	226.216	223.208.
Coral, lobed star.	<i>Orbicella annularis</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, moun-tainous star.	<i>Orbicella faveolata</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA
Coral, pillar .....	<i>Dendrogyra cylindrus</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, rough cactus.	<i>Mycetophyllia ferox</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	NA	NA.
Coral, staghorn	<i>Acropora cervicornis</i> .	Entire species .....	79 FR 53852, Sept. 10, 2014.	226.216	223.208.
<b>Marine Plants</b>					
Seagrass, Johnson's.	<i>Halophila johnsonii</i> .	Entire species .....	63 FR 49035, Sept. 14, 1998.	226.213	NA.

<sup>1</sup> Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

<sup>2</sup> Jurisdiction for sea turtles by the Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, is limited to turtles while in the water.

§ 223.201

50 CFR Ch. II (10–1–19 Edition)

[79 FR 20806, Apr. 14, 2014, as amended at 79 FR 38240, July 3, 2014; 79 FR 40015, July 11, 2014; 79 FR 54122, Sept. 10, 2014; 80 FR 7978, Feb. 13, 2015; 80 FR 60564, Oct. 7, 2015; 81 FR 3030, Jan. 20, 2016; 81 FR 9276, Feb. 24, 2016; 81 FR 17403, Mar. 29, 2016; 81 FR 20089, Apr. 6, 2016; 81 FR 42284, June 29, 2016; 81 FR 62319, Sept. 8, 2016; 81 FR 72549, Oct. 20, 2016; 82 FR 6316, Jan. 19, 2017; 82 FR 7719, Jan. 23, 2017; 82 FR 21740, May 10, 2017; 82 FR 43710, Sept. 19, 2017; 83 FR 2931, Jan. 22, 2018; 83 FR 4164, Jan. 30, 2018; 83 FR 48984, Sept. 28, 2018]

**Subpart B—Restrictions Applicable to Threatened Marine and Anadromous Species**

**§ 223.201 Guadalupe fur seal.**

(a) *Prohibitions.* The prohibitions of section 9 of the Act (16 U.S.C. 1538) relating to endangered species apply to the Guadalupe fur seal except as provided in paragraph (b) of this section.

(b) *Exceptions.* (1) The Assistant Administrator may issue permits authorizing activities which would otherwise be prohibited under paragraph (a) of this section subject to the provisions of part 222 subpart C, General Permit Procedures.

(2) Any Federal, State or local government official, employee, or designated agent may, in the course of official duties, take a stranded Guadalupe fur seal without a permit if such taking:

- (i) Is accomplished in a humane manner;
- (ii) Is for the protection or welfare of the animal, is for the protection of the public health or welfare, or is for the salvage or disposal of a dead specimen;
- (iii) Includes steps designed to ensure the return of the animal to its natural habitat, if feasible; and
- (iv) Is reported within 30 days to the Regional Administrator, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.

(3) Any animal or specimen taken under paragraph (b)(2) of this section may only be retained, disposed of, or salvaged in accordance with directions from the Director, Southwest Region.

[50 FR 51258, Dec. 16, 1985. Redesignated and amended at 64 FR 14068, Mar. 23, 1999, as amended at 79 FR 20812, Apr. 14, 2014]

**§ 223.202 [Reserved]**

**§ 223.203 Anadromous fish.**

Available guidance documents cited in the regulatory text are listed in Appendix A to this section.

(a) *Prohibitions.* The prohibitions of section 9(a)(1) of the ESA (16 U.S.C. 1538(a)(1)) relating to endangered species apply to fish with an intact adipose fin that are part of the threatened West Coast salmon ESUs and steelhead DPSs (of the genus *Oncorhynchus*) listed in § 223.102.

(b) Limits on the prohibitions. The limits to the prohibitions of paragraph (a) of this section relating to threatened West Coast salmon ESUs and steelhead DPSs (of the genus *Oncorhynchus*) listed in § 223.102 are described in the following paragraphs:

(1) The exceptions of section 10 of the ESA (16 U.S.C. 1539) and other exceptions under the Act relating to endangered species, including regulations in part 222 of this chapter implementing such exceptions, also apply to the threatened West Coast salmon ESUs and steelhead DPSs (of the genus *Oncorhynchus*) listed in § 223.102.

(2) The prohibitions of paragraph (a) of this section relating to threatened Puget Sound steelhead listed in § 223.102 do not apply to:

(i) Activities specified in an application for a permit for scientific purposes or to enhance the conservation or survival of the species, provided that the application has been received by the Assistant Administrator for Fisheries, NOAA (AA), no later than November 14, 2008. The prohibitions of this section apply to these activities upon the AA's rejection of the application as insufficient, upon issuance or denial of a permit, or June 1, 2009, whichever occurs earliest, or

(ii) Steelhead harvested in tribal or recreational fisheries prior to June 1, 2009, so long as the harvest is authorized by the State of Washington or a tribe with jurisdiction over steelhead